

August 27, 2003

Senator John Burton  
State Capitol, Room 205  
Sacramento, CA 95814

**RE: OPPOSE SB 18 (Burton) Traditional Tribal Cultural Sites**

Dear Senator Burton:

As Director of the Santa Barbara Municipal Airport, I regret to inform you of the Airport's **OPPOSITION** to **SB 18**.

Santa Barbara Municipal Airport has demonstrated a dedication to preserving and protecting the extensive Native American resources on the Airport and is interested in ensuring that land use planning and decision-making processes respect and preserve, to the extent possible, Native American sacred sites. However, we believe the approach taken by **SB 18** goes too far.

Established development review processes like the California Environmental Quality Act (CEQA), California Coastal Act, National Environmental Policy Act (NEPA) and California State Historic Preservation Office (SHPO) already examine, protect and mitigate for environmental and cultural resource impacts expected from proposed projects. Protection of Traditional Tribal Cultural Sites (TTCS) should be accomplished without imposing the substantial additional costs and delays that project proponents could experience as a result of a broad interpretation and implementation of **SB 18**.

**SB 18** gives the Native American Heritage Commission (NAHC) great latitude to develop program criteria based on an extremely broad definition of TTCS. The process established by **SB 18** fails to balance public interests by: effectively excluding the public from meaningful representation on the NAHC, including no provision for adequate public input during the program's creation and development, and providing little or no public input or recourse during NAHC's subsequent decision-making process related to specific projects.

In addition to a lack of public participation, **SB 18** inappropriately restricts local authority in land use decisions by limiting local approval authority on projects thought to impact TTCSs. **SB 18** also continues to raise serious concerns over private property takings issues, and the First Amendment's Establishment Clause regarding the establishment of religion.

State laws should adequately protect Native American sacred sites, but must also be structured so that the affected sites are narrowly delineated, property owners, the public and local government can adequately participate, local land use authority is respected, and a balance is maintained with other important public policy.

Sincerely,

Karen Ramsdell  
Airport Director

KR:jm

c: Senator Denise Moreno Ducheny  
Senator Wes Chesbro  
Senator Tom McClintock  
Assemblymember Hannah-Beth Jackson  
Members, Assembly Appropriations Committee